

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Giles Brown et al.	Art Unit	: 1796
Serial No.	: 10/581,545	Examiner	:
Filed	: June 2, 2006	Conf. No.	: 3942
Title	: IMPROVED SYNTHESIS OF 2-SUBSTITUTED ADENOSINES		

**MAIL STOP PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

# PETITION UNDER 37 C.F.R. 1.47

This is a petition to accept the application identified above pursuant to 37 C.F.R. 1.47 because one of the inventors, Dr. Jacqueline Valerie Anne Ouzman, has stated that she will join in the application only if paid a fee for the execution of the declaration. It is my understanding that the request for compensation in exchange for execution of the declaration is not consistent with Dr. Ouzman's employment agreement with her former employer, Cambridge Biotechnology Limited (a wholly-owned subsidiary of Biovitrum AB), and is therefore tantamount to a refusal to sign.

The application currently names four inventors. With the exception of Dr. Ouzman, the other inventors have executed a declaration, a copy of which is submitted concurrently with this Petition in response to the Notice to File Missing Parts.

The last known address for Dr. Ouzman is as follows:

76 Nab Wood Crescent  
Shipley  
Bradford  
West Yorkshire BD18 4HY  
United Kingdom

Declarations by the following persons are submitted with this Petition:

(1) Dr. Lars Höglund of Biovitrum AB; and (2) Dr. Neil Thornton of Reddie & Grose.

As indicated by the Declaration of Dr. Höglund, copies of the application papers, including a complete copy of the patent specification, were forwarded to Dr. Ouzman on

**CERTIFICATE OF MAILING BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: November 14, 2008

October 9, 2007 (see also Exhibit A). A declaration was forwarded to Dr. Ouzman for her signature together with the application papers (see also Exhibit A). Dr. Ouzman has acknowledged receipt of the letter dated October 9, 2007 enclosing a declaration for the above-identified patent application (see Declaration of Dr. Thornton).

As indicated by the Declaration of Dr. Thornton, Dr. Ouzman has responded to Dr. Höglund's correspondence by requesting compensation in the amount of £400 (approximately US\$820) in exchange for execution of several patent documents, one of which is the declaration for the above application. Dr. Ouzman has to date been unwilling to sign the declaration without payment of a fee.

In view of the diligent efforts to obtain Dr. Ouzman's signature and her unwillingness to do so absent payment of a fee, it is respectfully requested that this application be accorded status under 37 C.F.R. 1.47.

The required fee under 37 C.F.R. 1.17(g) in the amount of \$200 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13425-192US1.

Respectfully submitted,

Date: November 14, 2008

  
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Jack Brennan  
Reg. No. 47,443

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DECLARATION OF NEIL THORNTON

1. I, Neil Thornton, am a partner at the firm of Reddie & Grose in Cambridge, England.

2. On November 1, 2007, at the request of Dr. Lars Höglund of Biovitrum AB, I spoke on the telephone with Dr. Jacqueline Valerie Anne Ouzman. The topic of the conversation was several patent documents that Dr. Höglund had forwarded to Dr. Ouzman and requested that she execute. Dr. Höglund had designated me to act as an intermediary to discuss the execution of the documents with Dr. Ouzman. During the telephone conversation, Dr. Ouzman confirmed that she had received Dr. Höglund's letter dated October 9, 2007 enclosing a declaration for the above-identified patent application. The declaration for the above patent application was one of several documents that Dr. Höglund had forwarded to Dr. Ouzman. In the telephone conversation of November 1, 2007, Dr. Ouzman requested that she be paid £400 for the execution of all of the documents she had received from Biovitrum AB.

3. On November 13, 2007, after having consulted with Dr. Höglund about Dr. Ouzman's request for compensation, I informed Dr. Ouzman that Biovitrum AB was unwilling to pay the requested amount for execution of the declaration. It is my understanding that no compensation should be required for execution of the declaration because such execution is an obligation attached to Dr. Ouzman's former employment by Cambridge Biotechnology Limited (a wholly-owned subsidiary of Biovitrum AB). Dr. Ouzman has to date been unwilling to sign the declaration without payment of a fee.

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Applicant : Giles Brown et al.  
Serial No. : 10/581,545  
Filed : June 2, 2006  
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Attorney's Docket No.: 13425-0192US1 / BV-1087 US

4. I hereby declare that all statements made herein are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 11 November 2008

By: Neil Thornton  
Neil Thornton

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P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF LARS HÖGLUND

1. I, Lars Höglund, am the Head of the Patent Department for Biovitrum AB.
2. On October 9, 2007, I caused a copy of the patent application identified above to be sent to Dr. Jacqueline Valerie Anne Ouzman both by email and by courier to her residential address. A copy of my letter is enclosed as Exhibit A.
3. The enclosures with my email and letter to Dr. Ouzman included a complete copy of the patent specification, including the drawings and claims, as well as a Combined Declaration and Power of Attorney and an Assignment for Dr. Ouzman's signature.
4. On October 19, 2007, Dr. Ouzman sent me an email regarding legal documents that I had sent to her for execution. In my reply to Ms. Ouzman's email, I complied with her request to assign a UK patent attorney to act as an intermediary to discuss the execution of the documents. I designated Dr. Neil Thornton of Reddie & Grose to act as this intermediary. Copies of Dr. Ouzman's email of October 19, 2007 and my reply thereto are enclosed as Exhibit B.
5. I hereby declare that all statements made herein are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 11 NOV 2008

By:   
Lars Höglund

30457309.doc

# **EXHIBIT A**

Jacqueline Ouzman  
76 Nab Wood Crescent  
Shipley  
Bradford  
West Yorkshire BD18 4HY  
United Kingdom

• **biovitrum.**

Biovitrum AB (publ)  
SE-112 76 Stockholm, Sweden  
Phone: +46 8 697 20 00 Fax: +46 8 697 35 03  
Visitors: Berzelius väg 8, SE-171 65 Södra  
patent@biovitrum.com  
www.biovitrum.com

BY COURIER AND EMAIL

October 9, 2007

Jacqueline Ouzman, 76 Nab Wood Crescent, Shipley, Bradford, West Yorkshire  
BD18 4HY, United Kingdom

Re: IMPROVED SYNTHESIS OF 2-SUBSTITUTED ADENOSINES

Applicant: Giles Brown et al.  
Application No.: 10/581,545 (U.S. National Phase of  
PCT/GB2004/005090)  
Filing Date: June 2, 2006  
Country: United States  
Your Ref.: BV-1087 US  
Our Ref.: 13425-192US1

**Urgent – Immediate Action Requested**

Dear Ms. Ouzman:

Enclosed is a complete copy of the above patent application, including the claims and drawings, that was filed with U.S. Patent and Trademark Office on June 2, 2006. We have enclosed the published PCT application (publication number WO 05/056571), since the U.S. application is the national phase of this PCT application.

Also enclosed is an Assignment and a Combined Declaration and Power of Attorney for the application. Please sign and date the Assignment and the Combined Declaration and Power of Attorney where indicated. Also, please sign the Assignment in the presence of two witnesses. If you need to make corrections on the documents, please initial and date in the margin next to each correction.

**We request that you return enclosed documents to us at your very earliest convenience.** The other inventors have signed and we will be able to make the required filing as soon as we receive your executed documents. As you will see



from a review of the enclosed materials, this patent application relates to work from the time you were employed at Cambridge Biotechnology Limited.

We look forward to receipt of the signed formal documents as soon as possible. If you would like to discuss this matter, please contact me at Telephone No. +46 8 697 2966 or let me know if you would like me to call you.

Yours sincerely,

BIOVITRUM AB (publ)  
Patent Department

A handwritten signature in black ink, appearing to read 'Lars Höglund', written over the printed name.

Lars Höglund  
Head of Patent Function

**biovitrum.**

## **EXHIBIT B**

Höglund Lars <Lars.Hoglund@biovitrum.com> wrote:

Dear Dr. Ouzman,

Thank you for your response. If you wish I can ring you to further explain the situation, but since you indicate that would like to speak with a UK patent attorney, I have asked Neil Thornton at Reddie & Grose to contact you. Neil is familiar with these patent applications and will be able to explain the contents of the documents we have dispatched to you.

Please let us know when it will be convenient for you to speak with Neil, and please let us have your phone number.

You may also choose to contact Neil Thornton yourself, at the following address:

Neil Thornton  
Reddie & Grose  
5 Shaftesbury Road,  
Cambridge CB2 8BW  
Tel: 01223 360350  
Fax: 01223 360280  
[Neil.Thornton@reddie.co.uk](mailto:Neil.Thornton@reddie.co.uk)

I hope and trust that we will be able to find solutions acceptable to you.

Sincerely,  
Lars Höglund

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**From:** Jackie Ouzman [REDACTED]  
**Sent:** den 19 oktober 2007 10:32  
**To:** Höglund Lars  
**Subject:** Re: Patent application BV-1093 US

Dear Dr Hoglund,

Thank you for your email, as below, which was received this morning. I acknowledge the receipt of 4 attachments namely a letter from yourself, patent BV-1093US, a patent assingment form and a combined declaration and power of attorney.

I have not received a package from DHL, but I did receive a card yesterday saying that they did try to deliver something to me at home earlier that day. Unfortunately, I am not at home during the day so I will not be able to take a DHL deliver from Biovitrum without prior arrangement with you. Due to work commitments this weekend, I will not be able to travel to Leeds to collect the DHL package from their depot until next Saturday.

I note from your letter that you have offered to ring me to discuss the matter. I would appreciate this. Perhaps we could arrange a mutually convenient time next week? As you are aware from my previous correspondance, I do not feel comfortable with simply signing these legal documents without understanding the content. I have previously requested that Biovitrum use a UK patent attorney as an intermediary in order to reassure me that the paperwork is in order and to smooth this proces, but this was refused. I would welcome your assistance in finding an alternative solution that would help us both to move forwards with mutual trust and co-operation.

Yours sincerely,

Jacqueline Ouzman